

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**CITY COUNCIL MEETING OF: JULY 1, 2009**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐ Consent ☒ Discussion

**SUBJECT:**

VAC-34001 - VACATION - PUBLIC HEARING - APPLICANT/OWNER: ASHJIAN DEVELOPMENT, LLC - Request to Vacate 10-feet of a 20-foot wide Public Alley generally located north of Red Coach Avenue and west of Rainbow Boulevard alignment, Ward 6 (Ross). The Planning Commission (6-0 vote) recommends DENIAL. Staff recommends APPROVAL

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**

**3**

**City Council Meeting**

**4**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**

**0**

**City Council Meeting**

**0**

**RECOMMENDATION:**

The Planning Commission (6-0 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions.

**BACKUP DOCUMENTATION:**

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcards from 6/17/2009 City Council Meeting
7. Protest Postcard
8. Submitted at Meeting – Photos by Councilman Ross and Photos by Mario Fenu
9. Backup referenced from the May 14, 2009 Planning Commission Meeting Item 38

Motion made by STEVEN D. ROSS to Approve subject to conditions

Passed For: 6; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, STEVE WOLFSON, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS, STAVROS S. ANTHONY; (Against-LOIS TARKANIAN); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

MICHAEL McDONALD and TIM WASHBURN appeared on behalf of the applicant. MR. McDONALD thanked staff for its recommendation. He explained that the issue is with the landscape buffer currently used as an alleyway.

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TEDDY RUSSELL, Las Vegas resident, stated this is an outstanding project.

ATTORNEY MARIO FENU appeared on behalf of ROBERT EAGLE and offered a solution on behalf of other homeowners. He showed a photograph depicting a bridle path that was established in 1961. MR. EAGLE uses the path to enter onto with his truck and trailer, much like any one would that has horse property. If the path is reduced from 20 to 10 feet, his client will not be able to get onto the path as there will be no room to maneuver a horse trailer to the left or to the right. The entry is off the north part of the bridle path, and he showed various pictures. He acknowledged that the developer should not be held up but the homeowners should be allowed to continue to use the path. He suggested granting a variance or a waiver, which all homeowners support, to allow the developer to continue building to the lot line and at the same time allow the homeowners the use of the 20 feet of bridle path.

MR. McDONALD indicated that MR. ASHJIAN could not respond to something out of his control and he would like to develop his property. The applicant held numerous discussions with staff and obtained its approval. MR. ASHJIAN wants to be a great neighbor but the variance would require re-starting the application process; a lot of money has already been spent. MR. McDONALD showed a site map and stated that the bridle path has been there for a long time, but the area has changed significantly.

KEN ROGERS stated that his property is located behind the proposed development and that to date the developer has only fenced off the property. He showed pictures depicting construction of a project and alleged that the Council approved a height of three feet and the developer is building ten feet. MR. ROGERS had previously suggested that MR. ASHJIAN obtain a variance for the green areas to retain the 20-foot bridle path. The green area is not needed in the alleyway and could be eliminated to save money.

FRANK COMPARONI thanked former COUNCILMAN STEINMAN for his service during his interim term. He stated that the fence shown surrounds his property, but he has taken the fence down as requested by Code Enforcement. MR. COMPARONI stated that MR. ASHJIAN operates an office located at Red Coach Avenue in a rural residential area and is not being a good neighbor.

TEDDY RUSSELL, Las Vegas resident, was present. In response to MAYOR GOODMAN'S request for guidance regarding public comments that are not pertinent to items on the agenda, ASSISTANT CITY ATTORNEY BRYAN SCOTT advised that comments have to be germane to the item being discussed.

ELLEN COMEAU stated that the vacation of the alley would remove all access to her property.

MR. EAGLE indicated that the neighborhood was designed with the alleyway access and actions of Council have significantly changed the area. Developers have caused a decrease in property values. The applicant's initial design did not comply with City standards. He alleged that this is a

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land grab on the part of the developer. An approval would set a precedent, and he requested denial.

MR. COMPARONI commented that MR. ASHJIAN is not the original developer; it was MR. LESBEN.

MR. McDONALD stated that by code, this is a bridle path not an alleyway. The pictures shown and allegations made by the residents do not pertain to MR. ASHJIAN. The 18-wheeler on Balsam Street belongs to a different developer. MR. ASHJIAN has tried to address every issue that has been brought up and has been a good neighbor.

COUNCILWOMAN TARKANIAN stated that bridle paths do not have to lead anywhere. Referring to the site map, MR. WASHBURN showed COUNCILWOMAN TARKANIAN the location of the bridle path and the adjacent properties. The Councilwoman questioned the need for the vacation. MR McDONALD replied that the vacation was imposed as a condition by staff. MARGO WHEELER, Director of Planning and Development, stated that the site plan was for a waiver of some of the landscaping on different property lines. On the west, where the bridle path is located, the application showed the landscaping to be vacated; therefore, the request is that the landscaping is within the area of the vacation and the applicant would follow up with that application. In order to eliminate the landscaping, submittal of a major modification to the site plan would be necessary, and this would include a waiver of the landscaping or the applicant would have to redesign with landscaping. COUNCILWOMAN TARKANIAN asked how a waiver can be granted when it was not voted upon.

ASSISTANT CITY ATTORNEY SCOTT explained that the condition imposed on the Site Development Plan Review required the vacation of the section where the landscaping was located on the site plan. MS. WHEELER added that the zero property line is on different property lines. The plan was designed such that it requires the ten feet to provide the landscaping. If not granted, the applicant would have to redesign the plan.

COUNCILWOMAN TARKANIAN read a letter stating that there is no need for the vacation and that the storage facility is too large for the property. MR. McDONALD stated that if the landscaping were waived, there would be no need to vacate the bridle path. The applicant is adhering to City requirements.

COUNCILMAN BARLOW questioned the lot coverage of the development, to which MS. WHEELER answered that it meets code.

COUNCILMAN ROSS explained that the 20 feet in the rear of the existing properties, ten feet belongs to Clark County and ten to the City of Las Vegas. The residents are accessing public right-of-way. In 1961, it was deemed a bridle path and the path goes nowhere. Since MR. ASHJIAN fenced that property, MR. EAGLE was observed using another roadway along the fence line. COUNCILMAN ROSS stated that many properties have been developed and, due to

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dust control issues, he will be asking the property owners to fence those properties so that people will not drive across the dirt.

COUNCILMAN ROSS recommended that the property owners ask the County for the ten feet to add to their property. The landscaping is required as per Title 19 on areas not deemed an alley. That path will go away and the access will go away.

MR. EAGLE read a statement given to him by landowner, WILLIAM RONALD HODGE, granting him access to the rear of the property. COUNCILMAN ROSS pointed out that the applicant has the right to develop his property. He thanked MR. FENU for the opportunity to meet with him. The site plan was approved in September of 2008 and the developer cannot move forward until he gets the appropriate permits. The City is not planning to add the path to the trails system because it does not connect to any other trails. COUNCILMAN ROSS stated he would support all the property owners requesting vacations and getting an additional ten feet added to their yards. He would not deny this vacation so that another property owner could utilize private property as his or her own driveway. If this were an actual horse trail, there would be a different discussion.

MAYOR GOODMAN declared the Public Hearing closed.

